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January 21, 2022

District Judge Nelson S. Roman
United States District Court
Southern District of New York
300 Quarropas St.
White Plains, NY 10601

Re: 7:21-cv-08918-NSR
O'Leary v. The Stop & Shop Supermarket Company LLC

Dear District Judge Roman:

MEMO ENDORSED
This office represents the Plaintiff. In accordance with your Honor's Rules, plaintiff requests an extension of 21 days, until February 21, 2022, to obtain and file a waiver of service so defendant may obtain additional time to move or answer in response to the complaint. Fed. R. Civ. P. 4(d)(4) ("Results of Filing a Waiver").

This action was filed on November 1, 2021. The original date by which service is required to be proved to the Court is January 31, 2022. Fed. R. Civ. P. 4(m) (allowing 90 days for defendant to be served); Fed. R. Civ. P. 6(a)(1)(A)-(B) (excluding the date triggering the period and counting intermediate weekends).

On November 4, 2021, "a copy of the complaint, 2 copies of the waiver form appended to this Rule 4, and a prepaid means for returning the form" was sent to Defendant's registered agent as indicated on the summons on November 4, 2021.

Having not been contacted yet by a representative or attorney for Defendant, Plaintiff arranged for service of process by requesting the "delivering [of] a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process" to Defendant's registered agent in its formation state. Fed. R. Civ. P. 4(h)(1)(B) ("Serving a Corporation, Partnership, or Association.").

Though an affidavit of service could be filed by January 31, 2022, Plaintiff requests this extension to facilitate an orderly proceeding and afford Defendant additional time to respond or answer, which will make it less necessary to request any extension from the Court and plaintiff, conserve judicial resources.

This request is submitted at least 48 hours prior to the date sought to be extended. No prior request has been made for the relief sought herein. Thank you.

Respectfully submitted,

/s/Spencer Sheehan

Certificate of Service

I certify that on January 21, 2022, I served and/or transmitted the foregoing by the method below to the persons or entities indicated, at their last known address of record (blank where not applicable).

	CM/ECF	First-Class Mail	Email	Fax
Defendant's Counsel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plaintiff's Counsel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtesy Copy to Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

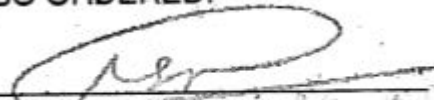
/s/ Spencer Sheehan

The Court GRANTS the requested extension of 21 days, until February 21, 2022, for Pl. to obtain a waiver of service so Def. may obtain additional time to file a responsive pleading to the Complaint.

The Clerk of the Court is directed to terminate the motion at ECF No. 5.

Dated: January 21, 2022
White Plains, NY

SO ORDERED:



HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE